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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/198,067	11/28/1998	MICHAEL PRINCE	1400.9800940	2061

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EXAMINER
NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/198,067	PRINCE ET AL.
	Examiner	Art Unit
	Steven HD Nguyen	2664

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 November 1998_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,5-13 and 17-21_ is/are rejected.

7) ☒ Claim(s) _2-4 and 14-16_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1.   Claims 1-8 and 13-17 are objected to because of the following informalities:

Claim 1, lines 8-9, 13, 16, Claim 13, lines 9-14; the recitation "the endpoint switch"

should be changed to "the endpoint network switch" for consistent with a previous element.

Claim 21, this claim should be dependent on claim 20 instead of claim 18.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1, 5-8, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bharucha (USP 6021136).

Regarding claims 1 and 13, Bharucha discloses a method of adaptive service

interworking comprising the steps of in response to receive a setup message for identifying a

receiving party which is coupled to the endpoint switch from a sending party, obtaining

connection information of an end point network switch (Fig 4, Ref 100, receiving a setup

message and query the database to obtaining the connection information of the endpoint switch,

Fig 5, Ref 58),; interpreting the connection information to determine whether the endpoint switch

is capable of supporting a transparent link between the sending and receiving party (Fig 4, Ref

110) and when the endpoint switch supports the transparent link, supporting the transparent link

between the receiving and sending party (Fig 4, Ref 130); See col. 3, lines 46 to col. 5, line 3).

Regarding claims 5-6, Bharucha discloses the connection information comprising at least

one of a data transport protocol and a network switch type (Fig 3, Ref 3 is a database which

stores a network switch type for supporting transparent link and ATM protocol) wherein the

network switch type can be used to process the enhanced traffic description (Col 4, lines 14-20,

traffic description "bandwidth").

Regarding claim 7, Bharucha discloses the receiving party is a user (Fig 2, Ref 14).

Regarding claims 8 and 17, Bharucha discloses the service interworking being default to

translation if the endpoint network does not support transparent link (Fig 4, 120).

4.   Claims 9-12 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Amri

(USP 5535199).

Regarding claims 9-10 and 18-19, Amri discloses a method for adaptive service

interworking comprising the steps for receiving a setup message that identifies a receiving (Fig

6a, Ref B, the remote station receives a call setup for establishing a data transport protocol using

RFC 1144), interpreting the setup message to determine whether a transparent link is to be

established between a sending party by extracting an enhanced traffic descriptor which identifies

the data transport protocol from the setup message to determine if the receiving party supports

the data transport protocol of sending party and receiving party when the transparent link is to be

established, supporting a transparent link (See col. 7, lines 43 to col. 7, lines 30, the remote

station extract the PID from the setup message to determine if the remote station supports the

data transport protocol RFC 1144 or not, if yes, a transparent link between the receiving and

sending party).

Regarding claims 11-12 and 20-21, Amri discloses a method of appending a receiving

enhanced traffic descriptor to a connection message to produce a modified connection message

and transport the modified connection message by converting the modified connection message

to a beginning end network switch coupling to the sending packet (Fig 4, the host 1 generates a

call request at the application layer, the TCP/IP layer receives a PID for appending into the call

request and converted into X.25 protocol for transmitting to a network node "router"; See Fig 6a

and col. 7, lines 43 to col. 7, lines 30) .

Allowable Subject Matter

5.   Claims 2-4 and 14-16 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

The prior arts fail to disclose a method for appending a sending traffic descriptor to the

setup message to create a modified setup message for providing setup message to a network;

processing, by the endpoint network switch, the sending enhanced traffic descriptor to determine whether the sending enhanced traffic descriptor is valid to the endpoint switch and the sending enhanced traffic descriptor is valid, appending, by the endpoint network switch, a receiving enhanced traffic descriptor to a connection response to produce a modified connection response wherein the connection response was received from the receiving party.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

     Lai (USP 5490141) discloses a method of receiving a setup message from a frame relay device and converting a setup message of frame relay protocol to ATM protocol for transmitting to a receiving frame relay terminal wherein a frame relay data is segmented into ATM protocol for transmitting to the receiving frame relay terminal.

     Sasyan (USP 6222842) discloses a system for providing multiple virtual circuits between the network entities.

     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Wellington can be reached on 703-305-3466. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4700.

Steven Nguyen
December 10, 2001